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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,920	07/02/2003	Frank Scozzari		4664
32133	7590	06/23/2004		
US CORPORATIONS, INC. 630 NEPTUNE AVE. ENCINITAS, CA 92024			EXAMINER BASINGER, SHERMAN D	
			ART UNIT 3617	PAPER NUMBER

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/613,920

Applicant(s)

SCOZZARI, FRANK

Examiner

Sherman D. Basinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the grip of claim 1 and the standard plastic anchors or screws of claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: a brief description of figure 7 is missing.

Appropriate correction is required.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification lacks antecedent basis for the grip of claim 1.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lehr et al.

The body board handles are shown in figure 4. The weather resistant post is 22, 38.

The handle with grip is 14. The adjusting strap is 24. The handles can be removed or replaced by removing post 34.

The handles can be considered to be temporarily mounted with post 34.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lehr et al in view of Nealy.

Post 34 of Lehr et al is the standard anchor of claim 5. Post 34 is not disclosed as being plastic. Note plastic anchor 29 of Nealy. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make anchor 34 of Lehr et al plastic in view of the plastic anchor 29 of Nealy. Motivation to do so can be found in Nealy, column 2, line 60.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lehr et al in view of Rothstein. The board of Lehr et al is not disclosed as being manufactured by injection molding. Rothstein discloses in column 4, lines 45-47 that his board is manufactured by injection molding. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make the board of Lehr et al by injection molding as taught by Rothstein. Motivation to do so is that using injection molding to manufacture a body board would be using a molding process which is successful, well know and therefor easy to use.

9. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porsche in view of Chi Hung. Porsche discloses a body board 1 with handles 25 and 26. Handles 25 and 26 are not mounted with a durable plastic or weather resistant post, and while having both a handle and grip, do not have an adjusting strap. Chi-Hung discloses handle 130 mounted with weather resistant posts 132 and having an adjusting strap 138 and a handle 140 with grip. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to replace the handles 25 and 26 of Porsche with handles similar to 130 of Chi-Hung including the mounting posts 132. Motivation to do so is to provide a handle which is more flexible than those of Porsche so that injury can be prevented.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Porsche and Chi-Hung as applied to claim 1 above, and further in view of Nealy. Chi-Hung does not disclose the use of plastic anchors to mount post 132. Note post 25, 27 of Nealy and plastic anchor 29 of Nealy. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use a plastic post and anchor similar to those of Nealy to mount the handle similar to that of Chi-Hung as provided to Porsche. Motivation to do so can be found in column 2, line 60 of Nealy.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Porsche and Chi-Hung as applied to claim 1 above, and further in view of Rothstein. The board of Porsche is not disclosed as being manufactured by injection molding. Rothstein



discloses in column 4, lines 45-47 that his board is manufactured by injection molding. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make the board of Porsche by injection molding as taught by Rothstein. Motivation to do so is that using injection molding to manufacture a body board would be using a molding process which is successful, well known and therefore easy to use.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sherman D. Basinger  
Primary Examiner  
Art Unit 3617  


sdb  
6/14/04